



13 NOV 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

49

John S. Pratt  
Kilpatrick Stockton, LLP  
1100 Peachtree Street  
Atlanta, GA 30309

In re Application of	:	
HORROBIN	:	
Application No.: 10/536,927	:	
PCT No.: PCT/GB03/05131	:	RENEWED REQUEST
Int. Filing Date: 26 November 2003	:	
Priority Date: 02 December 2002	:	FOR STATUS
Attorney Docket No.: 56170/316314	:	
For: TREATMENT OF HUNTINGTON'S	:	UNDER 37 CFR 1.42
DISEASE WITH EPA	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.42 filed 01 November 2006 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 04 April 2006, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

01 November 2006, applicant filed the present renewed petition accompanied by a petition for a five-month extension of time accompanied by payment of the appropriate extension of time fee. As such, applicant's renewed petition is timely filed.

**DISCUSSION**

As detailed in the petition mailed 04 April 2006, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 09 November 2006 was executed by Sherri Clarkson as the executor of the estate of deceased sole inventor David Frederick Horrobin. However the declaration was not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration set forth the

residence, citizenship and post office address for only one individual; presumably the executor, Ms. Clarkson. Applicant has presently filed an executed declaration signed by the legal representative which provides the above information for both the deceased inventor and his legal representative and details their respective roles in the application. Thus, it is appropriate to grant applicant's renewed petition at this time.

**CONCLUSION**

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 26 November 2003 and a date of **01 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459